IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

F.A.O. No.5283 of 2006
Date of Decision: 1.12.2006

Ram Chander and others.

..... Appellants

Versus

Satyawan.

..... Respondents

CORAM: Hon'ble Mr.Justice Uma Nath Singh
Hon'ble Mr.Justice Mahesh Grover

....

Present: Shri Suman Jain, Advocate for the appellants.

....

Mahesh Grover,J.

The present appeal has been preferred by the appellants, who are owners and driver of the offending vehicle being tractor (bearing registration No. HR-17/0126) against award dated 12.8.2006 of the Motor Accident Claims Tribunal (Fast Track Court), Bhiwani (hereinafter described as `the Tribunal') passed in M.A.C.T. Petition No.128 of 2002/2005.

In a vehicular accident which is said to have taken place on 3.6.2001, the claimant-respondent, who was sitting in the trolley being pulled by the offending tractor, sustained injuries when it turned turtle due

to rash and negligent driving of appellant no.7. In a claim petition having been preferred by the claimant-respondent, a sum of Rs.38,000/- was awarded by the Tribunal along with interest at the rate of 7% per annum from the date of institution of the petition till the date of realisation of the awarded amount. The appellants were jointly and severally held liable to pay the compensation to the claimant-respondent.

The appellants have assailed the award to say that the tractor in question was not involved in the accident at all and further that there was no F.I.R. lodged with the police nor was any medico-legal report produced which could have justified the findings of the Tribunal.

We have heard learned counsel for the appellants and have perused the impugned award which reveals that the claimant-respondent was an employee of appellant no.7- Ram Bhagat and was working with him as a farm-hand. The appellant no.7 had undertaken to bear the medical expenses for the injuries of the claimant-respondent before the Panchayat. Exhibit P1 is the writing to that effect which also explains the absence of the F.I.R. There is sufficient medical evidence on record in the shape of the records produced from the Private Clinic where the claimant-respondent had been treated for orthopedic injuries.

The plea of the appellants of false implication does not inspire any confidence because the claimant-respondent, who was working as a farm-hand with appellant no.7-Ram Bhagat, had no reason to implicate the appellants falsely, especially when the tractor in question was not insured.

In our opinion, the amount of Rs.38000/- awarded by the Tribunal as compensation cannot be termed as excessive keeping in view the period of 25 days of hospitalisation of the claimant-respondent and the

evidence of the doctor which shows that the expenses of the treatment for the injuries sustained by him would have been around Rs.12000/-. There are also on record medical bills to the tune of Rs.2930/-.

For the reasons mentioned above, the appeal is devoid of any merit and is, therefore, dismissed in limine.

(Uma Nath Singh)
Judge

(Mahesh Grover)
Judge

December 01,2006
"SCM"